Europe CPDLC: The Mandate We Missed

OPSGROUP Team
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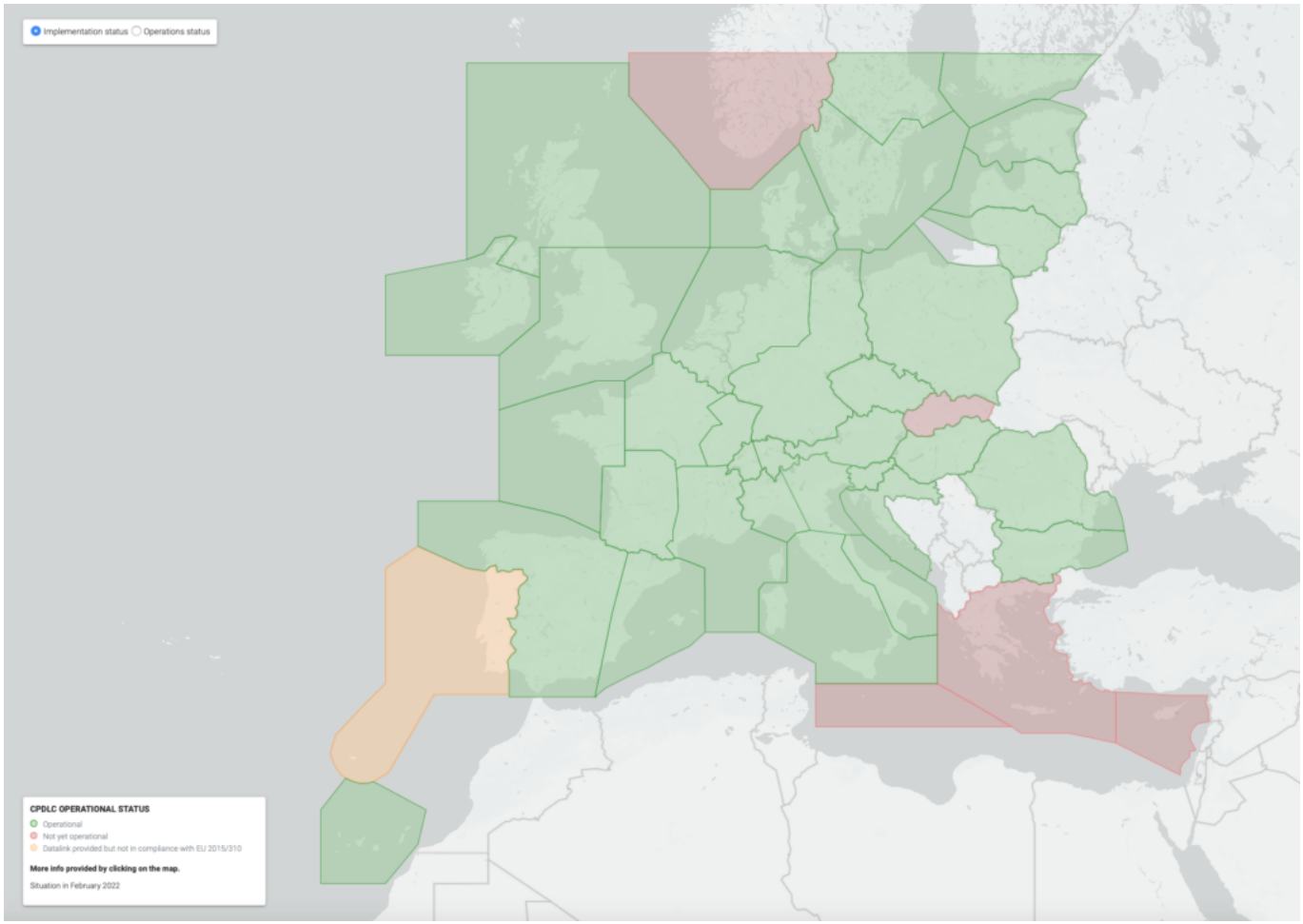
A brief little refresher on the datalink mandate in Europe, because some of the temporary exemptions have now ended.

What actually happened?

The EU had a datalink mandate which came into force from February 2020. It applied to all aircraft operating **above FL285 throughout Europe**.

But, there were exemptions. Two sets in fact – one of a fairly permanent sort, and another that was only temporary. **It is the temporary exemptions which have now ended.**



Click on this to link to the current Eurocontrol map

When did this happen?

5th February 2022. And no, they haven't extended it.

What were the exemptions?

There are two articles (you can read all this 'officially' here if you would like).

Basically, if you fit under Article 1 then you can get a **permanent exemption.** If you fit under Article 2 then you probably had (but don't have anymore) the **temporary exemption.**

Article 1 covers all aircraft listed in Annex I, and any in Annex II whose **first certificate of Airworthiness was issued prior to Feb 5 2020.** Article 2 is any aircraft listed in Annex II with an airworthiness certificate issued on or after Feb 5th 2020, and any aircraft specified in Annex III.

Give it to me straight!

Ok, ok, here are the aircraft which are permanently exempt, and those which had the temporary exemption until 5 Feb 2022 to do the avionics retrofit…

Aircraft permanently exempt:

- Aircraft in Annex I

- Aircraft in Annex II with a CofA issued before 5 Feb 2020

Aircraft which had up to 5 Feb 2022 to do the avionics retrofit:

- Aircraft in Annex II with a CofA issued after 5 Feb 2020
- Aircraft in Annex III

There are a lot of aircraft listed in these annexes, but Annex II in particular contains a fair few Bizav aircraft, so we've whacked that in below for you to see. We mentioned how GA/BA aircraft might be exempted here, before.

ANNEX II

EXEMPTIONS REFERRED TO IN POINT (b) OF ARTICLE 1 AND POINT (A) OF ARTICLE 2

Aircraft Type/Series/Model	Manufacturer	ICAO type designator
A330 Series 200/300	Airbus	A332/A333
Global Express/5000 BD-700-1A10/1A11	Bombardier	GLEX/GL5T
CL-600-2C10 (CRJ-700)	Bombardier	CRJ7
C525C, CJ4	Cessna	C25C
C560XL (Citation XLS+)	Cessna	C56X
Falcon 2000 all	Dassault	F2TH
Falcon 900 all	Dassault	F900
EMB-500 (Phenom 100)	Embraer	E50P
EMB-505 (Phenom 300)	Embraer	E55P
EMB-135BJ (Legacy 600)	Embraer	E35L
EMB-135EJ (Legacy 650)	Embraer	E35L
EMB-145 (135/140/145)	Embraer	E135 E145, E45X
PC-12	Pilatus	PC12

The smallest annex, so we could screenshot it here.

So does this affect you?

See above. It depends on those criteria.

Basically, most BizAv aircraft probably do meet the requirements of **Article 3(3)(d)** as well, which covers

aircraft with a certified maximum seating capacity of 19 passengers or less and a **maximum certified take-off mass of 45 359 Kg (100 000 lbs) or less** and with a first individual certificate of airworthiness issued before 5 February 2020. **If they do, they are exempted permanently.**

This is all really a "reminder" of what's already happened because if you don't already know about this, it's too late now anyway!

Tell us more about the mandate.

Actually, rather than do that, just head here to read what we've written before. This covers all the info you (hopefully) need on white list logons and all that jazz.

The entire consolidated version of Commission Regulation (EC) No 29/2009 is available here for your perusal, while the EC Implementing Decision 2019/2012 is here if needed.

The FAQs

EASA have published some (fairly) useful **FAQs** on all things datalink and CPDLC which you can read here on their 'Airspace Usage requirements – DLS/CPDLC' page.

One we see a lot, is do you have to register on the 'White List'. The answer is **no, it's not a regulatory requirement.**

One final exemption.

If your equipment is **temporarily inoperative** you can still continue to operate within the applicable airspace if your MEL allows, and if you tell them about it in your flight plan. You do this with a **"Z" in item 10 and the indicator "DAT/CPDLCX" in item 18** of your flight plan.

A final final one – you are also exempt if it is a **delivery flight.**

What EASA said when we asked for clarification.

Basically what we've put above, but to make it extra clear, here is a quote from their response –

"The EC Implementing Decision 2019/2012 in Article 2 refers to the 5 February 2022 date. Depending on the specific aircraft type/model and the first CofA date, the aircraft were either exempted or only temporarily exempted until 5 February 2022. There is no extension to this date and no change to this Decision since it has been adopted.

On the other hand, it should be noted that most business aircraft may meet the requirements of Article 3(3)(d) of the Commission Regulation (EC) No 29/2009 referring to aircraft which have a certified maximum seating capacity of 19 passengers or less and a maximum certified take-off mass of 45 359 Kg (100 000 lbs) or less and with a first individual certificate of airworthiness issued before 5 February 2020. ***If this is the case, the operator's aircraft is exempted.****"*

So if you were exempted under the earlier Article you are still exempted. If you weren't but fulfil the criteria in Annex I of the new article then you are permanently exempted. If you fall in the list in the new Annex of only exempted until Feb 5th, then you are no longer exempted.

Any other questions?

You can read SIB 03 2020 here. If you have any other questions, you can **ask EASA directly** on atm@easa.europa.eu. We asked them some things a while ago and they took a week or two to respond but were super helpful when they did.